

RESPONSIBLE RELATIVE RIGHTS AND RESPONSIBILITIES

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Illinois Department of Public Aid

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RESPONSIBLE RELATIVES OF PUBLIC AID CLIENTS HAVE A LEGAL OBLIGATION TO SUPPORT THEIR DEPENDENTS TO THE EXTENT OF THEIR ABILITY

THE DEPARTMENT OF PUBLIC AID HAS THE DUTY TO DETERMINE A RESPONSIBLE RELATIVE'S ABILITY TO SUPPORT.

ARE YOU A RESPONSIBLE RELATIVE?

YES if:

- Your spouse receives public aid.
- Your child or children under age 18 and/or 18, 19 and 20 year olds who live with you receive public aid. This includes children who are wards of the State of Illinois.

NO if:

- You have been separated from your spouse for five years and he/she failed to support you during that period.
- You are divorced from the person who is receiving public aid.
- Child is 18 or over and not living with the parent or parents. (A child shall be considered to be living with the parent or parents if such child is absent from the parent or parent's home only in order to regularly attend a school, college or university or to receive technical training designed for preparation for gainful employment).



HOW DOES THE DEPARTMENT MAKE A SUPPORT DETERMINATION?

The method of support determination used by the Department depends on whether you and your dependent live together or live apart from each other and, if the dependent is your child, on the child's age and type of assistance he/she receives.

If you live together, your ability to support your dependent will be determined by the local public aid office which administers your dependent's case (except when the dependent is your 18, 19, or 20 year old child who receives AFDC cash assistance). The local office will make the determination by comparing your available income and assets to the financial assistance standard applicable to your dependent. You will be asked to provide the local office with documentation of your income, assets, and expenses.

If you live apart from your dependent or the dependent living with you is your 18, 19, or 20 year old child receiving AFDC cash assist-



ance, a central office of the Department will determine your ability to support.

YOU WILL RECEIVE A NOTICE IN THE MAIL

A “Notice of Obligation to Support” and a request for income information will be sent to you. The Notice asks that you send us a copy of your most recent Federal Income Tax Return (Form U.S. 1040 or 1040A).

If you do not have a copy of your Federal Income Tax Return or if you have not filed an Income Tax Return, we will need copies of your wage stubs or pension checks along with the number of exemptions you would have claimed for Federal Tax purposes. The dependent who is receiving public aid should be considered as one of your exemptions.

YOU MAY NEED MORE PAPERS

You may also be asked to provide us with material that has already been turned over to your local office. Documents and/or material usually requested are:

- Divorce Decrees
- Maintenance Orders
- Health Insurance Policies
- Bankruptcy Judgements
- Separation Orders
- Mental Health Individual Care Grants
- Pension or Retirement Check Stubs

If you have any of these documents, please send them to us along with your Tax Return.

NEXT THE AMOUNT OF SUPPORT WILL BE DETERMINED

The information you send to us will be reviewed and the amount of your support obligation will be determined. This is done by applying your gross annual income and your number of exemptions to current support standards.

Your ability to pay is based on what is called “Standard A” which can be found in a chart in the “Manual” at the local Department offices.

A NEW DETERMINATION WILL BE MADE EACH YEAR

The amount of your support obligation will be reviewed and recalculated each year.

You may ask for a review of your support obligation anytime you have had an increase or decrease in income or the addition or loss of a dependent.

It is up to you to tell us in writing that your circumstances have changed. Your letter should say **why** you want your file reviewed. Be sure to give specific names, dates and places. Enclose copies of your wage stubs or pension checks.

YOU WILL BE SENT AN ADMINISTRATIVE SUPPORT ORDER

Once your support obligation has been decided, an Administrative Support Order will be sent to you. The Order shows the amount of your support obligation and when and where you are to make the payments.

If we find that you do not have an obligation to support, you will be sent a "No Obligation Letter" which states that you are not required to support your relative at this time.

YOUR COOPERATION IS EXPECTED

If you do not cooperate, the Department must take certain action.

Failure to submit the income information requested will result in our issuing a subpoena for the information. Your failure to respond to the subpoena by submitting the information requested will subject you to penalties prescribed by law.

Failure to comply with the terms of the Administrative Support Order may result in referral of your case to the Office of the Attorney General for prosecution.

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YOU MAY REQUEST AN ADMINISTRATIVE HEARING

A hearing will be arranged if you wish to contest the amount of your support obligation as shown on your Administrative Support Order. Your request must be made in writing and filed with the Department within 30 days of the date the Administrative Support Order was to you.

A hearing will be scheduled and you will be notified when and where it will take place by our Hearing Staff. In most instances it will be held in the county in which you reside. You may be represented by counsel at the Hearing and may submit any papers or present witnesses that you believe are important to your case.

After the Department has reviewed the material submitted at the Hearing, it will issue a Final Administrative Decision. You will receive a copy of the Decision.

Should you not agree, with the Decision, you have the right to request a court review under the Administrative Review Act. If you wish to take action under the Act, it is recommended that you seek the advice of legal counsel.

Any questions regarding your relative's case or these procedures should be addressed to:

ILLINOIS DEPARTMENT OF PUBLIC AID
Field Recovery Unit
100 So. Grand Ave. East
Springfield, Illinois 62762

The Department is authorized by Article X of "The Illinois Public Aid Code" (Ill. Rev. Stat. 1985, Ch. 23, pars. 10-1 **et seq.**) to investigate and determine the ability of responsible relatives to support their dependents.

The Illinois Department of Public Aid does not discriminate in admission to, or treatment or employment in programs or activities in compliance with the Illinois Human Rights Act, the Illinois Constitution, the U.S. Civil Rights Act, Section 504 of the Rehabilitation Act, as amended, and the U.S. Constitution.

DPA 53 (R-9-89)

Printed by the Authority of the State of Illinois
P.O. #1826, copies 40,170